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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,642	03/18/2004	Robert H. Osborn JR.	577-596	5327
23869	7590	11/16/2005	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,642

Applicant(s)

OSBORN, ROBERT H.

Examiner

DHIRU R. PATEL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1, 3-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Marik et al (5,929,383).

Marik et al disclose:

Regarding claim 1, an electrical fitting 100 (see fig 3 and entire column 3) comprising: an elongated connector body 126 (see fig 3 and entire column 3) having a conduit receiving end and a conductor egressing end (see fig 3); a gland nut 122 attachable to said conduit receiving end of said body (see figs 3 and 5 and entire column 3); and a sealing ring 124 (see fig 3 and entire column 3) interposed between said gland nut and said body (see fig 5) for establishing a seal thereat upon said attachment of said gland nut to said conduit (see fig 5), said sealing ring being formed of high temperature resistant resilient plastic material (nylon, see column 3 lines 48-52).

Regarding claim 3, the assembly of Marik disclose all the features of the claimed invention as shown above, including an insulated throat 128 supported within said conductor egressing end of said body (see fig 3), said throat being formed of high temperature resistant material (nylon, see column 3 lines 48-50).

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Regarding claim 4, the assembly of Marik disclose all the features of the claimed invention as shown above, including said body and gland nut being formed of conductive metal (see column 3 lines 45-51, please note that Marik disclosed that said body and gland nut can be made from other suitable material), it is noted that the assembly of Marik meet the structural limitations.

Regarding claim 5, the assembly of Marik disclose all the features of the claimed invention as shown above, including a ground cone 125 (see fig 3, column 3 lines 30-35) supported by said body (see fig 5) for engagement with said metal conduit for establishing electrical ground connection between said body and said metal conduit.

Regarding claim 6, the assembly of Marik disclose all the features of the claimed invention as shown above, including wherein said conductor egressing end is externally screw threaded for insertion into an opening in a panel of an electrical enclosure (see fig 5 of marik).

Regarding claim 7, the assembly of Marik disclose all the features of the claimed invention as shown above, including an internally threaded lock nut 130 for screw threaded attachment to said conduit engaging end for securing said body to said panel (see fig 5 and entire column 3 of marik).

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Regarding claim 8, the assembly of Marik disclose all the features of the claimed invention as shown above, including wherein said conduit engaging end is linearly aligned with said conductive receiving end (see fig 5 of marik).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2, 9-11 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Marik et al (5,929,383).

Marik et al disclose:

Regarding claim 2, the assembly of Marik disclose all the features of the claimed invention as shown above, including Marik disclosed that sealing ring 124 is made from nylon (see column 3 lines 48-52 of Marik), but fails to disclose said plastic material comprises nylon 4/6.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Marik with said material comprises nylon 4/6, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claim 9, the assembly of Marik disclose all the features of the claimed invention as shown above, but fails to disclose wherein said conductor egressing end is aligned at an angle with respect to conductor receiving end. it would have been an obvious matter of design choice to use said conductor egressing end is aligned at an angle with respect to conductor receiving end, since applicant has not disclosed that said conductor egressing end is aligned at an angle with respect to conductor receiving end solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said conductor egressing end is aligned at an angle with respect to conductor receiving end of the assembly of Mark. Regarding claims 10-11, the modified assembly of Marik disclose all the features of the claimed invention as shown above, but fails to disclose wherein said angle is 45 degree and said angle is 90 degree for claims 10-11 respectively.

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it would have been an obvious matter of design choice to use said angle is 45 degree for claim 10 and said angle is 90 degree for claim 11, since applicant has not disclosed that said angle is 45 degree and said angle is 90 degree solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said angle is 45 degree and said angle is 90 degree of the modified assembly of Marik.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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3. ***Response to Arguments***

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


DHIRU R. PATEL
PRIMARY EXAMINER
11/14/05